82-1064

IN THE SUPREME COURT OF THE UNITED STATES;
OCTOBER TERM, 1982;

CHARLES A. MEEKER, PETITIONER, PRO-SE;
VS
U.S. STATE AND JUSTICE DEPARTMENTS, AND THE U.S. ATTORNEY FOR NEW MEXICO, ALBUQUERQUE, RESPONDENTS:

CHARLES A. MEEKER;
2605 Virginia St.,N.E.
Albuquerque, New Mex
Tel: 505-299-6406

THE U.S. STATE & JUSTICE DEPARTMENTS, WASHINGTON, D.C., AND THE U.S. ATTORNEY FOR NEW MEXICO. FIFTH AND GOLD STREETS, P.O. 607 ALBUQUERQUE, N.MEX.
RESPONDENTS:

A PETITION FOR A WRIT OF CERTIORARI TO:

THE SUPREME COURT OF THE U.S. ON AN APPEAL FROM TENTH CIRCUIT, DENVER,COL.

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DATED, December 10, 1982.

PETITION FOR A WRIT OF CERTIORARI:

QUESTIONS PRESENTED FOR A REVIEW:

The questions presented for review are all outlined under the heading: RElief sought in this Petition, so will not be repeated. The Parties involved are all listed on the Front Cover of this Writ & in the TABLE OF CONTENTS.

JURISDICTION:

This is based on the OPINION of the TENTH CIRCUIT COURT OF APPEALS, of Augusr 27,1982, and that Courts Denial of a Rehearing dated October 6,1982, reproduced in the APPENDIX THAT FOLLOWS.

Also: Title 28,U.S.C. 2101 & 2403-a;

STATUTORY PROVISIONS INVOLVED:

The IMMIGRATION AND NATIONALITY ACT of 1952 is being challenged as Un-Consti -tutional.

STATEMENT OF THE CASE PRESENTED:

It is estimated that there are more than 300,000 illegitimate children,fathered by American Service Men who will be directly affected by the outcome of this case. The rights of these unfortunate U.S Citizen Children who are being denied all Constitutional Rights by Whim and not bas -ed on any Law or the U.S. Constitution are in a state of complete confusion, and these rights are in desperate need of cla -rification.

As treated now these unfortunate ill -egitimates are relegated to a low form of 'Second Class Citizenship' where it is made next to impossible for any of them to benefit from the fact that they are as much a U.S. Citizen as are the remainder of us.. The cruelty administered is almost unbelievable as so accurately mentioned in many TV

Documentaries, and Syndicated writers a large number of which have been outlined in the Congressional Record, and also re-produced in the file now held by the Tenth Circuit Court of Appeals.

Defendant's representatives are able to continue this harsh, sadistic, and cru -el as well as grossly unfair treatment of these 'Second Class Citizens' they have created by whim rather than based on any law or the U.S. Constitution mainly because law is in such a complete state of uncert -ainty and confusion. And this uncertainty has existed for more than 85 years or when our Service Men first went to the Philipp -ines around 1898. It is time that the mea -ning of this IMMIGRATION AND NATIONALITY ACT be clarified by the Supreme Court.

The United States is being criticized all over the World for its misbehavior, its sadistic denial of all human and Civil Rights to these 'Love-Children' who suffer untold hardships through no fault of their own, and a failure of the United States to recognize its obligation to these 'Second Class Citizens that have for so long been ignored so cruelly.

The primary reasons for bringing this Writ is an intent to try and help these un -fortunate children who this Petitioner has seen by the thousands in many countries where military bases are located.

The SECOND REASON FOR PROSECUTING CASE. is of far less important or signi ficant. It relates to the many frauds and Torts practiced against Petitioner by the Defendants as fully detained in the Amend-ed Complaint, and accompanying Affidavit re-produced in the Appendix of this Writ . It should be further noted that this Pet-ioner has in not one instance been permitted to put input into this case, all Opinions, and rulings by Trial Court having

been resolved by Trial Judge and Defendants attorneys with never the Plaintiff-Petioner ever being permitted to put input into this case. The entire trial and appeal to this point has been a sham, a farce, where all Constitutional Rights have been denied to Petitioner.

Even the Tenth Circuit continued the farce, and in its Opinion chose false facts to base the Opinion on, which of course made Opinion seem reasonable when in fact it is a monster of denial of all Constitutional Rights. This will be discussed in depth later on.

In the Amended Complaint which is reproduced in the Appendix the basis for the Juruisdiction of the District Court is in depth pleaded so will not be repeated here.

In fact, facts pleaded along with the Affidavit of January 2, 1979 accompanied by the many references to the Congressional Record and the numerous articles by Syndicated Writers is all the proof needed to set up a cause of action, and the denial to have these facts tried to a jury is a denial of basic Constitutional Rights to a fair and impartial trial.

It is absolutely impossible for any father of any illegitimate child to ever comply with the demands made to him by the representatives of Defendants so as to get U.S. Citizenship for his child without bringing a law suit. Petitioner has witnessed hundreds of such fathers attempt to get Citizenship, and he has never seen one succeed But just as soon as a lawsuit is filed, Defendants come running in as they did with this Petitioner and offer to settle the case by granting the U.S. Citizenship.This is of course unwarranted, and a terrible unneeded expense.

If Defendants dare deny this Petitioner challenges Defendants to produce and such a case to this Honorable Court.

The purpose of such harrassment by the Defendants is to financially exhaust all applicants so that they will go away and quit bothering Consular Officials so that all illegitimates are prevented from enter -ing into the United States irrespective as to whether or not they are in fact enti -tled to U.S. Citizenship. As previously observed cases, unless a lawsuit is brought are decided by whim, and no father of any illegitimate is ever permitted to gain such such Citizenship without first bringing a law suit.

And even then, regardless of the large expenses such fathers are forced to needles sly make by this gross misbehavior, lies & openly practice of fraud, the Plaintiff by such tactics as practiced against this Peti -tioner is denied all rights to a fair and impartial trial before a jury. If any indi -vidual or business ever dared practice even 1/20 of what Government Officials have done to this Petitioner, they would be boi -led in oil.. Government Officials should not be granted such immunities for it enco -urages the practices as outlined in Petit -ioners Affidavit of January 2, 1979 that is reproduced in this Writ in Appendix.

As a result of the lies and misbehavi -or pleaded this Petitioner lost some 25,000 dollars. (See Affidavit and Amended Complaint in Appendix). Petitioner even offered to pay the expenses of witnesses from the Philippines and Korea who know facts but his Complaint, inorder to pro- tect misbehaving Government Officials, was dismissed as outlined above with a denial to Petitioner of all Constitutional Rights. To this point the entire proceedings stinks with the grossest type of misbehavior prac -ticed at all levels of this case to this point.

Almost immediately after filing this case and exactly as the pattern described above was outlined, Defendants came running

to Plaintiff-Petitioner claiming a simple error on their part and offered to give Citizenship to his four daughters if Peti -tioner would drop his damage claims, and which he agreed to do. However because he did not trust Defendants as a result of their past lies, fraudulent practices and other gross misconduct, he retained the right to reopen the case.

A Stipulation of Settlement was enter -ed into and which is part of the Appendix in this Writ.Defendants did not fulfill what was agreed to in Mr Lights letter of December 20,1979 or in the Stipulation dated September 6, 1979. Through lies and intentional fraudulent practices they caused Petitioner to make a fifth useless trip to Manila,and when Petitioner arrived at the Consulate in Manila he discovered that:

(1):Manila Consulate had not been sent one single paper or notification they were supposed to have been sent by Defendants;

(2): Consulate first refused to give the Citizenship to Petitioners four children but then agreed to make contact with State Department if Petitioner would advance money for telephone calls and telegrams and thus caused Petitioner to have to remain in Manila for some three weeks attempting to get the mess unraveled that developed as a result of Defendants failure to comply with Settle -ment agreement.

(3): That the letter from Mr Light was never sent to Manila Consulate, and they were given a copy of same by Petitioner, which they refused to recognize or comply with.

(4): Visas were given to Petitioners four children but were refused for the mothers.

Petitioner immediately returned to the U.S. and filed Affidavit fully expla tion what happened, and then an Amended Complaint.

Complaint,(all filed) were dismissed with a claim that Petitioner had not submi -tted sufficient evidence to support his pleadings. Petitioner offered his several Affidavits that were sworn to under oath and then offered to pay the way of witnes -ses into the U.S. in support of facts he had pleaded, and which facts are in depth outlined in the numerous articles in Cong -ressional record and the many T.V. documentaries and Syndicated Columnists.

All the above is fully detailed in Amended Complaint and Affidavit contained in the Appendix, and in much greater detail in the record now in the hands of Tenth Circuit Court of Appeals, in Denver, Col. And in particular note that all these rul. -ings were made with only Defendants lawy -ers and the Judge in trial court in Albu -que preparing same. No hearings were held or was Petitioner even informed when all these papers were being prepared again -st him by Defendants lawyers and the trial judge. In other words to date this has been a complete 'Railroad-Job' where all Civil, Human, and Constitutional Rights have been denied Petitioner.

Everything as outlined here is contai -ned in official records, and repeated aft -er Tenth Circuit made its Opinion, and confirmed said Opinion even after having all called to its attention once more.

Here is where Tenth Circuit after hav

-ing same called to its attention none the less chose false facts to make its Opinion appear just and reasonable. If truth was contained in Opinion many knowledgeable parties would raise up in indignation for as observed this entire trial has been an absolute farce and sham from beginning to the end.

Opinion says of the Stipulation Agree -ment that was supposed to settle case, & of Mr Lights Letter that the agreement was that:" Application for visas for mothers would be promptly considered"

But observe that Stipulation and Mr Lights letter actually says a much different thing when it says:

"The Embassy has also requested,per agree -ment to promptly process any visa applicat -ions which might be submitted on behalf of the mothers of the children or their serva -nts."

The meaning is vastly different. This is fully illustrative of the frauds, lies, and other misbehavior always practiced against all fathers of illegitimate children who try to get U.S. Citizenship for their chil -dren.

RELIEF SOUGHT BY THIS WRIT:

The Petitioner and his four daughters have all been adversely affected by all twelve of the following rulings that are challeng -ed here & outlined below:

(1): To deny minor children,who are U.S. Citizens an opportunity to live with and have the advantages of a loving mother is a denial of Civil, and Human Rights.

(2): It is cruel and inhuman treatment to have made these U.S. Citizen children choose between the benefits of living in the U.S. as Citizens and the major benefits that would have come from having their mothers available in the U.S. to care for their children.

(3): To rule that a child must reach twenty one years of age before he can peti- tion its mother when illegitimate, and to not require same of legitimate children vi- olates the Civil, and human rights of these illegimate children.

(4): There is only one class of U.S Citizen, and to give special rights and privileges to legitimate children and to deny similar rights to illegitimate foreign born children is a failure to give due pro -cess under the Constitution of the U.S.

(5); All that is required for either an illegitimate or an legitimatechild to become a U.S. Citizen is for that child to have one parent who is a U.S. Citizen.

(6): To require a different set of proof from the illegitimate child to establish such Citizenship than is required of a legitimate child is a denial of Civil, Human rights and a denial of Due Process under the Constitution.

(7): To prevent a parent to pass on Citizenship to its child just because that parent has not resided in the United States if that parent is otherwise a U.S. Citizen, is a Denial of Due Process under the Constitution.

(8): To require a different set of rules to establish Citizenship for illegitimate children from their father than is required of a U.S. Citizen Mother to get Citizenship for her child is a failure to give due process under the Constitution.

(9): The right to become a U.S. Citiz -en is a National Right, and no State Law can be used to determine this right to US Citizenship.

(10): The assuming of false facts to justify the Opinion rendered by Tenth Circuit and to thus deny a fair and impartial trial of Petitioner violates Due Process.

(11): The requiring of an illegitim - ate foreign born child to assume the Citizenship of its foreign mother when the same is not required of legitimatechildren is a

Violation of Due Process.

(12): To deny this Petitioner a right to have his case for both Exempliary, and actual damages tried before a jury is a denial of Due Process, his Civil and Human rights under the U.S. Constitution.

CONCLUSIONARY ARGUMENT

The status of the law relating to the some 300,000 illegitimate children fathered by U.S. Service Men around every military base all over the world is in a most urgent need to be clarified. The cruelty as practiced against these most unfortunate children who are every bit as much U.S. Citizens as are the rest of us is almost impossible to describe.

There is little or no case law that is applicable to the twelve situations appearing above and as pleaded in the Amended Complaint reproduced in the Appendix. About all that exists now are a few ancient Attorney Generals Opinions many of which are at least 100 years old. As a result the officials in the State Department decide cases by whim and not by law and are thus able to inflict the cruelties as outlined in this Petition.

If this case is denied a hearing the law will be in even greater confusion and these Defendants will be given even more ammunition to be sadistically applied to these unfortunate illegitimate children and to the fathers who desire to help their children.

Keep in mind that few of these fathers have the knowledge and skill or the money to prosecute a law suit as is invariabely required to gain Citizenship as illustrated by Affidavits, and Amended Com-plaint in Appendix. This is just typical of what develops when 'Big-Brother' is given a free hand to abuse power against those who can not help themselves.

APPENDIX

Please note the astounding beginning of the Opinion from Tenth Circuit. Is it not quite obvious that they are ashamed of their ruling and thus do not wish this absurd denial of all Constitutional Rights Published in case books for others to see how low even an Appeals Court can stoop in denying all Constitutional Rights to protect Government Officials, and to retal -iate against any person who dares appear in a Pro-Se Status?

NOT FOR ROUTINE PUBLICATION.
UNITED STATES COURT OF APPEALS,
TENTH CIRCUIT.

Charles A. Meeker, Plaintiff-Appellant,

Vs

Attorney General of the United States, Department of State, U.S. Attorney, Albuquerque, NM
Defendants Appellees.

Civil 82-4193

Filed in Tenth Circuit, Aug 17, 1982.
Howard Philipps
Clerk.

Appealed from the United States District Court for the District of New Mexico, D.C. Civil NO 79-559M

Submitted on the Briefs persuant to Rule 9

Charles A. Meeker, , pro-se;

Don J. Svet; United States Attorney, and L.D. Harriss, Assistant United States Attorney, Albuquerque, New Mexico, for Defendants-Appellees.

Before Barrett, Logan, and Seymour, Circuit Judges.

Per-Curiam:

This three judge panel has determined unanimously that oral arguments would not be of material assistance in the determination of this appeal. See Fed R. App.P. 34 (a); Tenth Circuit R. 10(e).The cause is therefore ordered submitted without oral arguments.

Plaintiff, Charles A. Meeker, appeals from an order of the district court dismissing his Declaratory Judgment action in which he sought to have certain sections of the Immigration and Nationality Act 8 U.S.C. 1101, et seq. declared unconstitutional. He also sought compensatory and punitive damages. We affirm the dismisal.

The Plaintiff, the father of four illegitimate children born in the Philippine Islands, to two Filipina Mothers, originally brought this action to establish the United States Citizenship of the children and to obtain a Declaratory Judgment that 8 U.S.C. 1409 is unconstitutional. (*)

(*): 8 U.S.C. 1409 provides:
1409 Children born out of wedlock

(a): The provisions of paragraphs (c), (d), (e), and (g) of Sections 1401 of this title, and of paragraph (2) of Section 1408, of this Title shall apply as of the date of birth to a child born out of wedlock on or after the effective date of this chapter, if the paternity of such child is established while such child is under the age of twenty one years by legitimation.

Soon after the complaint was filed the parties entered into a stipulation in which they agreed that the claim would be dismissed without prejudice provided the United States would confirm the Citizenship of the children and issue passports to them. In addition, the Stipulation provided that, visa applications for the childrens mothers and their servants would be promptly considered.

foot note(*) cont. (b): Except as otherwise provided in Section 405 of this Act the provisions of section 1401 (g), of this title shall apply to a child born out of wedlock on or after January 13,1941 and prior to the effective date of this chapter as of the date of birth, if the paternity of such child is established before or after the effective date of this chapter and while such child is under age of twenty one years by legitimation.

(c): Not withstanding the provision of sub section (a) of this section, a person born on or after the effective date of this chapter, outside of the United Sta -tes and out of wedlock shall to have acquired at birth the nationality status of his mother if the mother had the nationality of the United States at time of such person's birth, and if the mother had previously been physically present in the United States or one of its outlying possess -ions for a continuous period of one year.

8 U.S.C. 1401 (g) provides in pertinent part

(g): A person born outside the geographic al limits of the United States and its outlying posessions of parents one of whom is an ailen, and the other a citizen of the United States, who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period totaling not less than ten years at least five of which were after attaining the age of fourteen years.

The plaintiff argues in essence, that the statute denies United States citizen fathers of illegitimate foreign born children Dueprocess and equal protection and that it discriminates against illegitimate foreign born children of United States Citizens. See Fiallo v Bell, 430 U.S. 787 (1977) Y.T. v Bell 478 F. Supp. 828,(W.D. Pa. 1979.

(2): 8 U.S.C. 1151 (b) defines "immediate relatives" as"

the children,spouses, and parents of a citizen of the United States: Provided, That in the case of parents, such citizen must be at least twenty one years of age. The immediate relatives specified in this sub section who are otherwise qualified for admission as immigrants shall be admitted as such without regard to the numerical in this chapter.

8 U.P.S.C. 1151 (a) gives preferential immigration status to "Immediate Relatives" of United States Citizens.

The Plaintiff also challenges the residency requirement which children born abroad to United States Citizens must meet to retain their citizenship. 8 U.S.C. 1401 (b) (This subsection was repealed, Pub. L. 95-432 1, effective Oct 10,1978) In Rogers v Bellei, 401 U.S. 815 1971, the court held such a residency requirement consti utional.

(3): In Meeker vs Attorney General, inpublished No. 81-1963 (Tenth Circuit file March 8,1982) the Appeal was dismissed as premature.

The District Court issued an opinion upholding the constitutionality of the statute. In addition, the court denied the damages sought holding that the Defendants were immune. Following the entry of the courts order and the dismissAl by this court of subsequent appeal,,(See 3 above) the Plaintiff made a motion to file an Amended Complaint. The District Court denied the motion.

On appeal the plaintiff contends that the District Court erred in holding the Statute constitutional, in dismissing his claim for damages, and denying his motion

to file an amended complaint. He also complains of the manner in which the District Court handled the litigation.

In the present posture of the case we can not rule on the merits of the Plaintiffs challenge to 1409. This issue has become moot. Plaintiffs children have been granted United States Citizenship and are presently residing in New Mexico.

Federal Courts do not render advisory opinions and are limited to deciding issues in actual cases and controversies. Un -ited States Const. art. 3, 1 et seq.; No -rvell v Sangre de Cristo development Co., 519 F 2nd 370, 375 (10 th Circuit, (1975). There must be a case or controversy between the named plaintiff and the Defendant with respect to the validity of the Statute at issue, Board of School Commissioners v Jacobs, 420 U.S. 128 (1975), unless either of two circumstances are present; The case presents an issue capable of rep -tition, yet evading review or the suit has been duly certified as a class action. Sosna v Iowa, 419 U.S. 393 (1975); Napier v Gertrude, 542 F. 2nd 825 (Tenth Circuit 1976, cert. denied. 429 U.S. 1049 (1977).

Neither situation is present here. The issue does not fit within the first excep -tion because there is no reasonable expectation that 1409 will be enforced against the plaintiff again. Weinstein v Bradford, 423 U.S. 147, (1975). Nor is it a Ce -rtified class action. Although the plaintiff styles his action as a class action, the district court found, and the record supports, that he never attempted to have it so certified as required by Fed. R. Civ. P. 23. Accordingly, the class action exception can not prevent the issue from being considered moot. Board of School Commissioners v Jacobs, Supra.

The plaintiff's challenges to 8 U.S.C.

1151 (b), however, are not moot. He alleges that the statute is unconstitutional in -sofar as it does not allow a citizen und -der twenty one years of age to bestow im -mediate relative benefits upon his parents. This argument has been repeatedly rejected. Rubio De Cachu v Ins, 568 F. 2nd 625 (9th Circuit 1977); Qureshi v Ins, 519 F 2nd 1174, (Fifth Circuit 1975); Faustino v Ins, 432 F. 2nd 429 (2d cir (1970), Cert denied, 401 U.S. 921 (1971); Perdido v Ins 420 F 2nd 1179 (Fifth Cir 1969). See also De Robles vs Ins 485 F. 2nd 100 (Tenth Cir 1973)

The plaintiff's claim for damages also lacks merit The complaint makes concluso -ry allegations of fraud and malicious con -duct without any factual support. This is insufficient to state a claim for relief.

Plaintiff con tends that the district Court erred in denying his motion to file an amended complaint. The motion was filed after the plaintiff's first appeal was dismissed. The plaintiff's amended complaint merely reiterates the conclusory allegations made in the first complaint. It did not recite any new facts and requested relief already denied.

> While rule 15 (a) requires that leave to amend be freely given, the Supreme Court has declared that that this requirement is not ap -plicable when "futility of ame -ndment" is "apparent." Foman v Davis, 371 U.S. 178, 182, 83 S.C t. 227, 230 9 L. Ed 2 d 222(1962) "Where a complaint is amended, wou -ld be subject to dismissal, leave to amend need not be granted." De Loach v Woodley, 405 F. 2d 496, 497 (Fifth Cir. 1969).

Mountain Pharmacy v Abbott Laboratories 630

F. 2d 1383, 1389 (Tenth Cir, (1980).

The plaintiff also alleges that the Trial Court was guilty of numerous improp -rieties. We conclude that these sweeping and unfocused accusations are without merit.

Accordingly, the order of the district court dismissing the complaint is affirmed. The mandate shall issue forthwith.

END OF OPINION.

Denial of Rehearing, Dated Sept Term Oct 6, 1982.

Same Heading as in original Opinion

This matter comes on for consideration of the Appellant's Motion for clarification which will be construed as a motion to recall the mandate. Upon consideration thereof,, the motion is denied.

HOWARD K. PHILLIPS, clerk.

SPECIFIC APPLICABLE ARGUMENTS AND POINTING OUT OF MAJOR ERRORS IN THIS MANDATE OF AUG. 17,1982, AND DENIAL OF REHEARING DATED OCT. 6,1982.

This Mandate is replete with major er -rors many of which would appear intentional. THUS:

(1): In Mr Lights letter that will be reproduced in following pages along with the 'Settlement Agreement dated Sept 6,1979 that was supposed to have settled this ca se both documents say a different thing than was used in mandate. The word 'CONSID ERED" does not mean the same thing as PROC ESSED". And the sad part of this is that

this was specifically called to the attention of the Tenth Circuit in the motion for a Rehearing which was denied on Oct 6,1982.

Another instanceof intentional doctoring the Mandate to make it seem reasonable when in fact it is a monstorous farce are the conclusions that Petitioner failed to document the facts pleaded in his pleadings

In the record held by the Tenth Circu -it are many many articles by Syndicated-Columnists, and even a reproduced Congressional Record wherein these atrocities th -at were pleaded as practiced against this Petitioner are clearly discussed as being common practices used by Defendants when -ever any father of any illegitimate child attempts to gain citizenship for his child.

Most such fathers or the children simply can not cope and are soon financially exhausted and have to quit, which is the obvious purpose of the lies, and farces as used against these poor unfortunate people. All this is fully documented in Affidavit dated Jan 2, 1981 and reproduced in following pages. Also Petitioner has made at least 100 trips for extended periods into many Oriental Countries where these cruel harsh and unreasonable practices are con -tinuing daily against these illegitimate ki -ds as fathered by American Serice men & he has witnessed the same practices as are pleaded being used against many many others. To grant immunities for such gross in -tentional fraudulent practices will just increase the frauds and lies currently being used as a policy all over the Orient. NO ONE SHOULD BE GRANTED SUCH IMMUNITIES. ~~In fact I thought it was established that~~ even the President of the U.S. had no such absolute immunity as granted by this Court

In fact this error alone should be sufficient to reverse this entire farce.which this case has been to this point.

(2): The Tenth Circuit also refused to mention and discuss the fact that so far the Petitioner has never even once be -en allowed to attend any hearing or put any input into this case, absolutely eve- ry thing having been decided by Judges , defendants lawyers, and the lawyers in the State and Justice Departments against the interests of Petitioner. This kind of gross misbehavior is many times more severe than if a jury trial had been denied.

It is little wonder that the Tenth Circuit chose not to publish this monstor- -ous denial of all rights under the Cons- titution plus the fact that all judges to this point have flagrantly violated their oaths of office. If true facts were pub- lished every college of law and dean of a department covering Constitutional Law wo- uld be outraged over this blazen circumve -nting all rights a citizen should have un- der the U.S. Constitution.

(3): The failure of the Tenth Circuit to rule on the major portion of the items as listed in the Notice of Appeal, and as are are also listed on pages, (7) to (9) in th -is WRIT was a pure case of begging the is- ue to make its Mandate seem reasonable & just. Almost every issue directly affects this Plaintiff-Petitioner and his children as well as some 300,000 other poor help -less illegitimates, and as observed are in a most desperate need to be resolved.

In todays mail, Dec 4,1982 Petitioner received a letter from Congressman McKinn- ey who is a sponsor of new legislation that will hopefully relieve some of these atro- cities, and which has just passed into law Congressman Mc Kinney remarked, "Maybe Am erasians will be able to escape their cur- rent cruel life style and come to the U.S. and enjoy opportunities we believe they are entitled to."

The Petitioner has carefully reviewed the Bill in question which is now a law, and it is very helpful; but it will relieve only a small portion of the problem. What is needed is a sweeping review of the Im - migration and Nationality Act of 1952 with an intent to put a stop to the atrocities, as described in Congressman Mc Kinneys letter, as well as by the many Syndicated Co -lumnists and in a recent Congressional Re -cord mentioned in this Writ. We need to have judges take off their blinders and try to correct these attrocities, and not to,as is involved in this case do all in their power to make any correction of the farce possible.

(4): Petitioner attempted to bring the case as a 'Class-Action'; but may I ask how on earth could he have achieved this when at no time was any of his motions heard & he was treated as some low form of scum at all levels in this case just because he refused to employ counsel?

Petitioner stood near top of his cla -ss in a very large and prestigious college of law and he has developed several oil-gas fields, but never practiced law as a living. Also, if any registered attor ney ever tried to get before the court the farce and the fraud and lies involved in this case he would have been debarred. The case to this point, has been:

" About like an appendectomy performed by a 'skid row' bumb who was just recovering fr -om a ten day drunk."

It is little wonder that so few have any confidence in our legal system. You are only given those constitutional rights that judges, by whim, and not by law allow you to have.

Few Dictators have achieved better th -an judges in this case have in a complete denial of all Constitutional Rights.

AFFIDAVIT, DATED JAN. 2,1981:

IN THE U.S. DISTRICT COURT FOR NEW MEX,1st Dist

Charles A. Meeker,
Vs Civil NO: 79-559-M
Attorney General, U.S. State Dept, et al;

AFFIDAVIT OF FACT

Charles A. Meeker the Plaintiff-Affiant in caption action deposes and swears that:

(1): The Manila Consulate has just informed him that they are above the law and are not subject to any orders or settlements of any U.S. District Court, and would not honor the settlement arrived in the above case last Sept 6,1979, other than to grant reluctantly that the children of Charles A. Meeker are U.S. Citizens.

(2): Plaintiff has been required as a result of the most barbaric behavior, and grossly irresponsible conduct of said Consulate to make, over past three years, six trips to the Philippines in his attempt to get Citizenship for his four children, and the first five useless trips resulting in this lawsuit which was resolved in his favor by Settlement Agreement of Sept 6, 1979. And in doing the above, Plaintiff has been required to spen nd a minimum of $20,000 over and above what he should have spent had Consuls in said offices acted within the law and not violated his Constitutional Rights.

(3): It is a policy of said Consulate to harass male citizens of the U.S., and this is being done on a wholescale basis causing untold mental anguish, expenses, and it seems to be done with a sadistic glee and pleasure tha most of these U.S. Citizens are currently U.S. Service Men or U.S. Government employees who happen to have fathered illegitimate children. That Affiant has seen hundreds treated with disdain, and irresponsible behavior and the policy as was done directly to Pla -intiff over a three year period, is always to cr -eate the greatest possible problem, impossible of

any reasonable solution to all males who apply to legitimize their children.

(4): That as a result of this behavior thous -ands of U.S. Citizen males have gotten special - acts of Congress through our U.S. Congress to pre -vent further harassment. Plaintiff has seen seve -ral Special Acts with large numbers of males on each Bill. In fact Plaintiff was told privately by one Consular Officer of rank in said Manila Consu -late that he should seek such a private bill as so many hundreds of others have done.

(5): The manner that the above atrocious beh -avior is practiced as a rule rather than the exc -eption on U.S. Citizen males is to violate ,their Constitutional Rights, by mininterpreting the U.S. Statutes that are already are part of this case, plus also doing the same as to several other U.S. Statues. Thus:

(a): A female who happens to give birth to an illegitimate child in a foreign land, and this irrespective of who the father was is required only to swear that the child is hers to gain U.S. Citizenship for the child. Men on the other hand are required to submit to some of the most irresp -onsible proof imagineable, and to a point where it is virtually impossible to satisfy the absurd demands made of all males who may have fathered a child of this type whithout first bringing a Civil Action such as Plaintiff did in captioned action.

(b): These absurd demands made against males even though they have since legally married the woman involved. As a result U.S. Citizens are often denied the right for these wives or their children to enter the U.S. (Special Acts are often sought. In other words no attempt whatever is made to apply the statues equally, and there is the gro -ssest of unequal protection of the law being applied against all U.S. Citizen Males who happen to fall into the hands of the U.S. Consulate in Mani -la, P.I.

(6); Service Men in particular have and are fa thering untold thousands of children in the Philipines and in other areas. These children are ignored and regardless of fact that as a matter of Law,

they are U.S. Citizens, are by aforsaid policies left to starve or live a life of want and at levels that most would not believe unless seen first hand as has the Plaintiff. That even where a Service man or other U.S. Citizen father acknowledges the child as his, he and the childs rights are ignored, and both are harassed to a point where the man gives up & often abandons the child and mother.

(7): Even in those cases where the man wishes to support his child and bring it to the U.S. he is prevented from doing so until the child reaches 21 years of age at which time the child can petition its mother if the child has been declared a U.S. Citizen. But to get the child in the U.S. before it is too late the man must bring a legal action as previously pleaded. Other wise the child will be denied U.S. Citizenship even though so entitled.

(8): That reason and common sense in resolving matters discussed above are never resorted to, but instead that it is invariably ruled that impossible conditions and demands be met by all U.S. Male Citizens It would be reasonable to assume that the intent is to deny Constitutional Rights by these absurd demands and rulings.

(9): When Charles A. Meeker brought captioned action, high ranking attorneys in the U.S. State Department admitted that the statues named were likely unconstitutional, but in their words 'if plaintiff continues this action and causes said statues to be so ruled as unconstitutional, it would open up a barrell of worms for them all over the world, so as a result of this that they, Defendants in this action would be willing to make a very favorable settlement with the Plaintiff if he would settle case rather than pursue it to conclusion' As a result Plaintiff did settle case but intentionally did so with recourse, for he does not trust the State Department or for that fact most other U.S. Government activities.

(10): That based on the settlement made with him by defendants herein, Plaintiff bought and

furnished a $60,000.00 home for his children here in Albuquerque, and paid mostly cash for this property. Plaintiff now has this property and does not not have a use for same because the Manila Consula -te refuses to allow the mothers of his children to have visas to come here and care for these childr -en. He is almost 76 years of age and tak ing care of these lovely little girls is an almost impossible task for him. This denial is a violation of the Settlement Agreement,(See letter dated Dec 20,1979 from Attorney Elliot Light of the State Department and which is a part of this case). That he has been told that they did not have to follow any court order or settlement and that the only possible relief plaintiff could get would be a special act of Congress that would permit said mothers to enter the U.S. on a Non-Quota basis. This he is now attempting to do. During the meantime taking care of these U.S. Citizen children is almost beyond the mental and physical capacity of the plaintiff.

(11): That Charles A. Meeker,the Plaintiff gives notice that if something is not soon resolved so that the Settlement Agreement of Sept 6,1979 is made practical that he will re-open this case and take it as far as is needed to try and prevent the atrocious behavior of Government Officers and employees as practiced so widely in Manila Cosular Offices. The Plaintiff is old and has no desire or the physical or mental energy to fight this cause over a several years basis. All he asks is some re solvment.

(12): That Plaintiff intentionally fathered children involved because his only son refused to have children, and as a result he took advantage of the awful poverty that is so current in the Phillippines to get fine young women to cooperate with him in achieving his plan. He has spent large sums educating these women and taking care of his children whom he loves very much He wishes to properly care for these children. This is made almost impossible due to the Manila Consulates belief that it is not required to follow the Settlement Agreement that was reached by Plaintiff with the U.S.

Attorney General, and the U.S. State Department and which was outlined in letter dated Dec 20,1979 a copy of which is attached hereto.

(13): That patience of Plaintiff is running thin and he is thoroughly disgusted and in particu -ular as the result of the trip,(sixth one) he has just concluded to the P.I. There he met the usual harrassment and indifference. They delayed twenty two days in just granting his children U.S. Citiz- enship. Then they demanded that he pay $30.00 for cost of telegrams to U.S. Attorney Generals Office to correct some of their own stupid indifferent conduct and behavior before he was allowed anythi- ng.

(14): The policy is to exhaust a person finan cially and if this is not accomplished then to de- lay action as was just done to plaintiff until his time allowance has expired and he has to return to America without accomplishing what he needed to do. It is believed by Plaintiff that , large exempliary damages should be assessed against the U.S. Govern -ment for permitting such gross misbehavior to con- tinue, and that it is his intention to seek such damages if he is forced to re-open this case.

ChARLES A. MEEKER, PLAINTIFF-

END OF PLAINTIFFS AFFIDAVIT

SPECIAL COMMENT ON ABOVE AFFIDAVIT:

Repeatedly reference was made at trial level, & Tenth Circuit that Petitioner did not furnish any proof for his allegations. This Affidavit along with the many articles by Syndicated Writers, & TV commentaries should be enough to establish his right to bring this lawsuit.

The real problem is that judges wished to pro -tect Defendants irrespective of their gross ille -gal behavior, and also to punish Petitioner beca -use he dared appear Pro-Se and thus deny some law -yer a fee irrespective of his qualifications to prosecute this suit.

Had he hired a lawyer, irrespective of his capability the case would likely have been tried,

If for no other reasons this cause should be-tried before a jury as to the meaning of Mr. Lights letter that appears next and in particular since both that letter and the stipulation agreement that follows after Light letter differs. materally from the Tenth Cir's Opinion appearing on pages, 10 to 16 of this Writ. Also since Defend-dants failed to carry out one single part of their agreement in said Stipulation, and then had the nerve to charge Petitioner $30 to find out what the stipulation in fact required, that needless brazenly demand of money should have been put before a jury for resolvment. Another highly important factual issue that should have been determined, not by a judge as was resolved summarialy by judges is the expenses Petitioner was put through in Manila when he made the sixth useless trip there and was kept waiting for three weeks at his expense so the Defendants could find out facts contained in Light letter and the contents of Stipulation Agreement all of which Defendants by Stipulation agreed to send to Manila Consulate.

When the Constitution was adopted those who wrote same did not trust judges, and provided limi-tations as to their powers. In this case all constitutional rights have been denied, and this violation of the judges oath have been neatly covered up by adopting false facts as outlined, and then failure to make a note of this brazen fraud by not recording it in Opinion and then make the Opinion the type not to be published.

The contents of the Light Letter of Dec 20,, 1979 was, (note date differences in Stipulation & Light letter) negotiated by many many telephone calls between Petitioner and Mr Light. Petitioner refused to go to Manila until he got that letter, for he, from three years experience was well aware of the frauds and lies Defendants representatives practiced as a rule instead of the exception. He in fact demanded wording relating to visa so conveniently changed by Opinion of Tenth Cir. that does not have the remotest nearness to what Opinion claims

ELLIOT LIGHT LETTER

DEPARTMENT OF STATE

Washington, D.C.

December 20, 1979.

Charles A. Meeker,
246-B Manuel de la Fuente St.
Sampaloc, Manila,
Republic of the Philippines

Civil 79-555-M of
The U.S. District
of N.M.

Dear Mr Meeker:

The Department of State has thoroughly reviewed the applications for registration as citizens which were submitted on behalf of your four children and has decided that you have complied with Section 309 (a) of the Immigration and Nationality Act of 1952. The Embassy in Manila has been notified of this and will register your children as citizens.

The Embassy has also been requested, per agreement, to promptly process any visa applications which might be submitted on behalf of the mothers of the children or their servants.

Sincerely,

William B. Wharton, Director,
Office of Citizenship,

Nationality and Legal Assistance

BY: Elliott B. Light,
Attorney Advisor

(Signed by Mr Light.)

cc: Ms. Mary C. Narrido,

Charles A. Meeker, (Albuquerque)

Note: Your Passport NO. A 668031 issued on May 4, 1970 at Los Angeles is returned hearwith.

NOTE: IMPORTANT PARTS UNDERLINED)

STIPULATION AGREEMENT OF SEPT 6,1979:

IN THE DISTRICT COURT OF UNITED STATES,
FOR THE DISTRICT OF NEW MEXICO.

Charles A. Meeker, Plaintiff, Vs Attorney General of of the United States; Deptartment of State; and United States Attorney for the District of New Mexico, Defendants.	Civil NO: 79-5559-M

S T I P U L A T I O N

Comes now the plaintiff, Charles A. Meeker,Pro Se, and the Defendants herein by R.E. Thompson, United States Attorney for the District of New Mex. and Charles F. Sandoval, Assistant United States Attorney for the said district and hereby stipulate and agree as follows:

(1): That Plaintiff is the Natural Father of Ada Marie Meeker, Minnie Constance Meeker, Cynthia Anne Meeker, and Catherine Mellonie Meeker, all of whom are current residents of the Philippine Islands.

(2): That plaintiff for personal reasons intentionally fathered the aforementioned children.

(3): That plaintiff has in the past adequate ly provided for the maintenance and support of said children and that inorder to provide for their fur -ther maintenance and support has inter alia creat -ed a trust for their benefit.

(4): That plaintiff applied for passports for said children which application caused the State Department to perform a detailed investigation with regards to their paternity.

(5): That the State Department denied said application for pasports based on the mistaken belief that said children were not united States Citizens as a matter of law.

(6): That the said children are in fact United States Citizens as a matter of law.

(7): That the State Department will prepare a letter to the plaintiff which states that the said children are United States Citizens and that pass ports should be issued upon the submission by the plaintiff of proper photographs of the children. The letter will further request that if visa applications are made on behalf of the mothers of said children said applications be promptly processed. The letter further request that if visa applications are made for two servants said applications be promptly processed. Said visa applications are processed at the discretion of the United States Embassy in the Philippine Islands and it is emphasized that with regard to their processing said requests will be given whatever weight the Embassy Officials determine it should be given. Additionly it should be emphasized that no representations are made with regard to whether the visa applicati -ons of said mothers and servants will be granted or denied.

(8): Copies of said letter will be sent to the following:

(1): United States Embassy, Philippine Islands;
(2): Mary C. Narrido, 246-B M de la Fuente Street Sampaloc District of Greater Manila, Philipp-ine Islands.
(3): The United States Attorney.

(9): That passports will be issued to said children

(10): That the petition herein is to be dismissed without prejudice.

September 6,1979.

Charles A. Meeker, Pro-Se,
246-B M de la Fuente Street
Sampaloc, Manila Philippines

R.E. Thompson, United States Attorney,
Charles F. Sandoval, Assistant U.S. Attorney,
PO Box 607, Albuquerque, N.M. (87103) (

Telephone NO: 505-766-3341.

NOTES ON: 'STIPULATION AGREEMENT":

Petitioner refused to sign stipulation of Sept 6,1979 and did so only after being assured by Mr Light on telephone that the State Department would at least see that mothers got visas. At least (25) such calls were made. Also contents of the Light Letter of December 20, was agreed to exactly as it is shown above. The Tenth Circuit had no right to alter their Opinion to contain false facts as it did.

IN THE US DISTRICT COURT FOR STATE OF NM, ALBUQUERQUE

Charles A. Meeker Pro-Se, Plaintiff;
VS
Attorney General of the U.S.
United States State Dept,
U.S. Attorney in Albuquerque, NM.

Civil NO: 79-559-M;
Dated:
Mar 12, 1982.

AMMENDED COMPLAINT DATED MAR 12,1982.

(1): That Plaintiff asks this Court to take judicial notice of all papers that have been previously filed in this Civil Action, and in particular the Affidavits and Law Briefs that are part of this Civil Action. These papers are adopted in this Amended Complaint as though written out in full and made part of this Complaint now submitted.

(2): This Complaint has a two fold purpose in that Plaintiff seeks a Declaratory Judgment declar-ing the Immigration and Nationality Act of 1952 unconstitutional, and further that the Plaintiff seeks monitary damages against the U.S. State and Justice Departments for their wilful and pre-meditated misconduct practiced over a several year per-iod against this plaintiff, including exemplary Damages. More details will be pleaded in subsequent paragraphs.

(3): That this Plaintiff-Petitioner is 77 yea-rs of age, a Citizen of the United States, and the State of New Mexico. That this Court has jurisdic-

tion of all matters involved. That this cause involves an actual controversy between this petitioer, and the Defendants named above, and the United States Government relating to the Constitutionality of the Immigration and Nationality Act of 1952, & in addition substantial damages that were caused Petioner-Plaintiff by wilful, intentional, misconduct of the grossest type of misbehavior as practiced in particular by the representatives of the Department of State in the Consulate in Manila, PI.

(4): That there is no other action pending or contemplated by parties who are here involved and that issues here involve more than just a difference of opinion. That this petitioner is adversely affected by rulings of the Defendants, as are litterally tens of thousands of other US Citizens all over the world, and need for resolvment of issues is acute World-Wide.

(5): That the Immigration and Nationality Act of 1852, as interpreted and applied on a World-Wide basis, fails to give Due Process of Law, and/or equal protection of the law, and is therefore not Constitutional because Defendants by its use have turned the rights of foreign born US Citizens into an unachievable status by practicing the following gross US Constitutional violations by whim and not by law and all by the grossest of violations against said parties and in particular illegitimate children born to foreign mothers and US Service Men fathers. As a result of this gross misbehavior of Defendants the US Government has been criticized, not only in the Congressional Record, but as well as in many articles appearing in widely published condemnations. (See Exhibit One attached to and made a part of this Complaint). In particular is this act not constitutional because of rulings by Defendants in enormous numbers of cases, that folow dictates similar or like the following twelve classes of gross constitutional violations:

(1): Second Class Citizenship has been created for these unfortunate foreign born children, when the constitution declares that there is only one class of US Citizenship.

(2): Policies are followed that make it almost impossible for any person to ever fulfill the absurd demands and rules made by the Defendants that permit achieving Citizenship, regardless of the fact that most such parties, if laws were fairly & justly applied should be granted such US Citizen - ship. As a result there are many many thousands of these 'Second-Class U.S. Citizens living around all military base all over the world. (See Exhibit One (Affidavit of Plaintiff printed above).

(3): That when Defendants can not find a provision that they can warp the interpretation of, to refuse citizenship to those entitled to same, they will create a regulation that will prevent such US Citizen minor children to have and to enjoy the privilege their mothers into the US. In other words these small children, by whim and the most sadistic behavior are forced to choose between their mothrs and the right to live in the United States.

(4): Defendants follow a practice of presenting to all applicants for US Citizenship impossible requirements that they can not meet, and Defendants keep doing this until applicants are financially exhausted and go away without ever being given the Citizenship that they are entitled to easily and within reason be granted. That to gain such Citizen -ship one must bring a Federal Law-Suit and that Plaintiff was advised after a three year effort that the only way to achieve would be to do this. That to follow this practice and others mentioned is cruel and inhuman treatment applied World-Wide to tens of thousands of helpless parties entitled to, but who by whim are denied US Citizenship.

(5): Defendants refuse to follow the US Constitution which provides that any person is entitled to US Citizenship need to have only one parent that is a US Citizen. Defendants by whim completely ignore this basic constitutional right and inject all sorts of absurd demands not required, such as living in the US for long periods of time and/or not living in a foreign land, all of which are the grossest type of US Constitutional violations,

practiced World-Wide against thousands of applicants who come to our US Consulates daily in an attempt to get that which they deserve yet are daily denied by fraud and deceit bu Defendants.

(6): Defendants apply a different set of rules when determining the rights to be granted US Citizenship and a US Passport, when a female US Citizen applies for for same for her illegitimate children, as compared to rules applied to a US Male US Citizen who seeks similar relief all in direc t violation of Constitutional Rights of both the fathers who apply and their illegitimate children.

(7): That the policy followed World-Wide by all Embassies, of making these 'Second-Class US Citizens' or their fathers bring a Federal Law-Suit to gain US Citizenship for his illegitimate children is cruel and inhuman treatment as well as in violation of the right to Due Process under the law, along with fair and equal treatment under the Due Process, and misconduct of the Defendants.

(8): The granting of a child over twenty One a right to petition its mother and to not grant the same privilege to children under twenty one is cruel and inhuman treatment under our law as well as the grossest of Constitutional violations.

(9): Defendants making distinctions between types of US Citizens by whim and in thus creating these many thousands of substandard US Citizens are in direct violation of all basis laws of fairness and reason as well as our Constitution.

(10) That the common practice of Defendants of creating standards and rules making it impossible for any person to comply with such absurd demands violates all reason and common sense and that these practices are in the grossest way in need of resolvment. ((See Affidavit pages (20 to 24 this Writ))

(11): Defendants use State Laws in determiing Legitimacy and illegitimacy, and in determning whe -ther or not a child is entitled to US Citizenship, all in direct violation of the Constitution which declares that the right of US Citizenship is a

National and not a State controlled right.

(12): That it is the grossest of misbehavior and denial of Constitutional Rights for Defendants to create terms and conditions and an impossible morass of confusion, thus allowing them to rule by whim and not by fair and just resolvment of the fate of these poor illegitimate children that the US Government owes a duty to for protection against the grossest of bureaucracy by practices outlin -ed above.

VI

That Defendants representatives lied to plain tiff, intentionally misled him covering a period of over three years, and by these gross misrepresentations caused plaintiff to make five useless trips to the Philippines and caused him to spend a minimum of $20,000 in his attempt to gain legitimacy for his four small daughters. That during this long period of time Plaintiff witnessed many other men going through the same experiences. The obvious purpose seems to keep leading applicants for Citizenship for their illegitimate children on and on until they give up and go away without achieving such citizenship for they are financially exhausted by the disgraceful,wilful, and malicious conduct towards them of Consular Officials. In other words Defendants keep asking for more and more impossible demands until it is absolutely impossible to meet such absurdities.

VII.

Plaintiff was advised after about three years of effort to gain citizenship for his children that if he left New Mexico, and became a Citizen of Calif, that he would be able to achieve this; but by that time 'Plaintiff had had it' with the Manila Consular officials, and no longer believed what they said. He was further advised by one of these officials that if he brought a Civil Law Suit in Feder -al Court that he would quickly gain this Citizenship for that Defendants did not want the Immigration Act of 1952 tested as to its Constitutionality,

for most officials feared that it could never meet the test of Constituionality. Plaintiff then returned home after making five useless trips to Manila and filed captioned lawsuit (Civil 79-559-M in the Federal Courts here in Albuquerque, New Mexico. And just as predicted within a very short period Defendants contacted Plaintiff and offered to grant US Citizenship as a matter of law to plaintiffs four illegitimate children. This was done by 'Stipulation Agreement' in which Defendants agreed in writing to do numerous important things, all of which they failed to do except to grant as a matter of law US Citizenship to the four children mentioned. (See Affidavit pages 20 to 24 this Writ)

VIII

Among the things agreed to was the issuance of a letter in which Plaintiff was advised that they had made an error in not granting the Citizenship during the long three years of effort described above, and that they would allow the mothers of these children to come over to the US to care for the children to care for the children. After waiting a full year Plaintiff made his sixth useless trip to Manila, and to his dismay discovered that the Defendants had not done one single thing they had by Court-Stipulation agreed to do, and that Manila Consulate started the same malicious run-around that plaintiff had gone through for the three years mentioned. They even charged Plaintiff $30 to pay for a telegram to verify that the citizenship had been granted to his four daughters. Plaintiff expended over $2,000 in making this sixth useless trip.

IX.

Plaintiff immediately returned to Albuquerque and filed captioned lawsuit. The Judge gave an opinion denying damages and also refused to make a ruling as to the Constituionality of the Immigrationon and Nationality Act of 1952. That ruling was appealed to the Tenth Circuit Court of Appeals, and the Appeals Court refused to rule on the two issues involved here (Damages due Plaintiff; and wnether the Immigration and Nationality Act of 1952)

was Constitutional. On March 8, 1982 Tenth Cir. gave as a ruling that they would not act on case because the Albuquerque Court had not acted on two motions and dated July 22, and 27, 1981. Incidentally the plaintiff had twice attempted to get the Clerk of, and the Judge of the Court Below to make these essential rulings. Just as they always did, both refused to cooperate in the matter thus caus. -ing this useless expense and second appeal. Since plaintiff was limited in time, to file his Notice of Appeal, he went ahead and filed same just a few days before expiration of time limit.

(X):

As of March 12,1982 plaintiff has en -tered a new motion which is attached to this proposed new Amended Complaint, in which Plaintiff again asks the judge to ru -le on the the two motions mentioned as well as the third motion that accompanies this proposed Amended Complaint and then get along with a trial of issues, or that rulings be made on the three motions involved herein so that plaintiff can file another Notice of Appeal and get the Tenth Circuit Appeals Court to make its final ruling with proper jurisdiction which it did not previously have because of the failure of the Court Below to make its rulings even though requested two times by plaintiff to do so.

RELIEF PRAYED FOR:

That the Immigration & Nationality Act be declared unconstitutional because of the twelve reasons as outlined in paragraph five. of this complaint.

That Plaintiff be reimbursed the $25,000 for actual expenses made by him in making six useless trips to Manila that he was forced to make by the wilful, sadistic, miserable conduct of Defendant's representatives. That in addition that Plaintiff be awared $500, 000. Exempliary damages against the Defendants. There is a most urgent need to teach

the Defendants a lesson to prevent the gro -ss misbehavior against US Citizens and which they practice World-Wide on a whole-scale basis.

Charles A. Meeker,
2605 Virginia St.,N.E.,
Albuquerque, N.M. (87110)

A TRIAL BY JURY IS REQUESTED.

It is certified that a copy of this Complaint, the Motion attached plus a copy of Exhibit A, was hand delivered to Defendants Attorney, and to Judge Mechem's office, on March 12, 1982, just four days after the Tenth Circuit made its ruling.

Charles A. Meeker.

END OF AMENDED COMPLAINT.

AFFIDAVIT OF SERVICE

SS: State of New Mexico,
County of Bernalillo:

DATED,
December 6,1982.

Mr Charles A. Meeker, known to me to be the party signing below, deposes and Swears that he will mail opposing council The United States District Attorney for New Mexico, and both defendants in Washington, D.C, and in addition to,

SOLICITOR GENERAL,DEPARTMENT OF JUSTICE, WASHINGTON,D.C.(20530)

three,(3) copies to each of the four parties named above, ON:

December 10 1982,

(Writ of Certiorari to the Supreme Court of the United States from appeal from Tenth Circuit in Denver, Colorado.

OFFICIAL SEAL
Signature
NOTARY PUBLIC - NEW MEXICO
Notary Bond
My Commission Expires

Charles A. Meeker.

MY COMMISSION EXPIRES

Notary.

 THE END.